

DOCKETED

JAN 3 1980

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BALLY MANUFACTURING CORPORATION,)

Plaintiff,)

v.)

CIVIL ACTION NO.

D. GOTTLIEB & CO., WILLIAMS)
ELECTRONICS, INC., and ROCKWELL)
INTERNATIONAL CORPORATION,)

78 C 2246 ✓

Defendants.)

and

BALLY MANUFACTURING CORPORATION,)

Plaintiff,)

v. *

CIVIL ACTION NO.

GAME PLAN, INCORPORATED,)

79 C 713 ✓

Defendant.)

NOTICE OF DEPOSITION

TO: Melvin M. Goldenberg, Esq.
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Chicago, Illinois 60603

PLEASE TAKE NOTICE that, commencing at 9:30 o'clock A.M. on January 14, 1980, Defendants, Rockwell International Corporation and D. Gottlieb & Co., will take the deposition of Motorola, Inc. ("Motorola"), through persons designated to testify on its behalf pursuant to Rule 30(b) (6), Federal Rules of Civil Procedure, at the offices of Arnold, White & Durkee, 221 West 6th Street, Suite 1550, Austin, Texas 78701.

Motorola is requested to designate persons to testify on its behalf who have the knowledge reasonably available to it on the following matters:

(1) The existence, identity and location of documents relating or referring to or describing any design, or any proposed design, by Motorola or by any pinball manufacturer prior to May 13, 1975, of an electronic controller for a pinball game.

(2) The existence, identity and location of documents prior to 1977 constituting or pertaining to communications between Motorola and (a) Mirco, Inc., (b) David J. Nutting, or (c) Jeffrey E. Frederiksen with respect to electronic controllers for pinball games, specifically, but not limited to, the Mirco Spirit of 76 game.

(3) The existence, identity and location of documents relating or referring to or describing a solid state controller, or component parts therefor, for any pinball game manufactured by Mirco, Inc. prior to 1977, specifically including, but not limited to, a solid state pinball game called Spirit of 76.

(4) The existence, identity and location of documents prior to May 1979 pertaining to or describing the structure and operation of Motorola components or Motorola component assemblies sold specifically for use in electronic controllers for pinball games. This request includes Motorola components sold to Bally Manufacturing Corporation ("Bally"), Midway Manufacturing Company ("Midway"), Williams Electronics, Inc. ("Williams") and Mirco. It specifically excludes documents relating to warranties and indemnification and specific contracts of sale.

(5) The existence, identity and location of documents pertaining to the design, structure, operation, sale or proposed sale

by Motorola of components or component assemblies specifically for use in electronic controllers for pinball games of any manufacturer other than those identified in category (4) above.

(6) Licenses extended by Bally to Motorola under United States Patent 4,093,232 in connection with the sale of Motorola components or Motorola component assemblies for use in pinball games.

(7) The subject matter of each document coming within the scope of categories (1)-(6) above.

(8) The identification of each type of component of Motorola's M 6800 microcomputer system sold to Bally.

Motorola is requested to bring with it to the deposition each document coming within the scope of categories (1)-(6) above.

The deposition will continue from 9:30 o'clock A.M. to 5:30 o'clock P.M. on normal business days until concluded. You are invited to attend and cross-examine.

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ATTORNEYS FOR ROCKWELL
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